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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/333,855	06/15/1999	ALAN A. RAMALEY	13237-2390	4624

27488 7590 05/26/2004
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EXAMINER

PAULA, CESAR B

ART UNIT PAPER NUMBER

2178

DATE MAILED: 05/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/333,855	RAMALEY ET AL.	
	Examiner	Art Unit	
	CESAR B PAULA	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-19 is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2178

DETAILED ACTION

1. This action is responsive to the amendment filed on 11/14/2003.

This action is made Final.

2. In the amendment, claims 1-19 are pending in the case. Claims 1, 8, and 15 are independent claims.

Drawings

3. This application has been filed with informal drawings which are acceptable for examination purposes only.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly, S.B, hereinafter Kelly, Mastering WordPerfect, pp.284-288 (Sybex, 1987), in view of Hart-Davis, G., hereinafter Davis, "The ABCs of Word 97", Sybex, 1997, chapter 20, and pages 8-15.

Art Unit: 2178

Regarding independent claim 1, Kelly discloses the recovery of files by using temporary files in response (p.284,L.8-22).

Moreover, Kelly discloses initiating a file save operation for recovering files by making editing changes to working file copies—*replacement files*-- on a computer screen. The file copies are used for replacing backup copies of the working copies at certain time intervals. When the backup copies are first saved from the working copies found in volatile memory, they are assigned a temporary backup name ({WP}BACK.1,2, etc.) and saved to disk-- *permanent storage medium* (p.284,L.8-37).

Furthermore, Kelly teaches the saving of extra backup files of original files, onto a separate disk so that a user can recover the file in case of computer failure that disrupts computer operation. This would include a file save operation which would be disrupted if the computer failed. In the case of a computer failure, the user is informed that a backup file(s) exist, and is prompted to rename the backup file with a final name (p.284,L.8-37). Kelly fails to explicitly disclose *the replacement files comprise a main file in which at least one additional file is embedded and wherein the original files comprise a primary file in which at least one additional file is embedded*. Davis teaches the embedding or placement of items or files, such as complex tables, graphic files etc into web pages documents created or edited with Word 97 wordprocessor. Hyperlinks associated with graphical objects are inserted into the documents in several ways. One way is to enter or insert the graphical object(s) or picture file(s) into a word document. The insertion of graphical object files is easily done, by using an "Insert Picture" dialog box to select a graphical file and inserting it into the word document (page 1, lines 1-9, page 3, lines 7-page 4, page 11, lines 14-page 12, line 16, 1.4). As a result, you've got a word

Art Unit: 2178

document with graphical objects or documents inserted within it-- *one additional file within a primary word file*. It would have been obvious to one of ordinary skill in the art at the time of the invention to have recovered, created and edited web pages (which contain additional files embedded, such as graphics files) with a word processor, and combine Kelly and Davis, and have produced replacement files having at least one additional file embedded, from original files also having at least one additional file embedded in them, because Kelly teaches above the recovery of lost files in case of a computer failure. This provides the benefit of recovering the original files from duplicate replacement backup files. These original files are edited taking advantage of the full-features available in a wordprocessor. Thereby, a user saves the time and effort, which otherwise would be spent in recreating the lost data in the files.

Regarding claim 2, which depends on claim 1, Kelly teaches the changing the original name assigned to a document with the name of the backup file(s) to be used in case of power failure—non-catastrophic failure ({WP}BACK.1,2, etc.) p.284,L.8-22.

Regarding claim 3, which depends on claim 2, Kelly teaches the deleting of the backup file(s) once the file has been successfully renamed p.284,L.8-33. Kelly fails to explicitly disclose *deleting a recovery file*. It would have been obvious to one of ordinary skill in the art at the time of the invention to have deleted such recovery file, because Kelly teaches above deleting backup file information used to replace files after a computer failure. This would provide the advantage of freeing up the computer memory by deleting files no longer needed.

Art Unit: 2178

Regarding claim 4, which depends on claim 1, Kelly teaches the changing the original name assigned to a document with the name of the backup file(s), in case of power failure—non-catastrophic failure, and based upon the determination and detection of a non-identical backup file(s) ({WP}BACK.1,2, etc.) p.284,L.8-22.

Allowable Subject Matter

6. Claims 5-19 are allowed.

Response to Arguments

7. This action is responsive to the amendment filed on Applicant's arguments filed 11/14/2003 have been fully considered but they are not persuasive.

Applicant indicates that Kelly fails to teach or suggest original files made up of a primary file in which at least one additional file is embedded, and that Davis fails to teach, or suggest original files, which are documents prior to being saved as an HTML file, include a primary file in which at least one additional file is embedded (page 10, lines 2-11). The examiner disagrees, because Davis discloses the insertion of graphical object files into a word document—*original file*-- (not an HTML document) is easily done, by using an “Insert Picture” dialog box to select a graphical file and inserting it into the word document (page 1, lines 1-9, page 3, lines 7-page 4, page 11, lines 14-page 12, line 16, 1.4). As a result, you’ve got a word document with graphical objects or documents inserted within the word document file-- *one additional file within a primary file*.

Claims 2-4 are rejected at least based on their dependency on an independent claim.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

I. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cesar B. Paula whose telephone number is (703) 306-5543. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:00 p.m. (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached on (703) 308-5186. However, in such a case, please allow at least one business day.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Application/Control Number: 09/333,855

Page 7

Art Unit: 2178

Any response to this Action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Or faxed to:

- (703) 703-872-9306, (for all Formal communications intended for entry)

**Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Sixth Floor (Receptionist).**



CESAR B PAULA

Patent Examiner

Art Unit 2178

5/24/04